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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,457	06/11/2001	Thomas Buchel	P/167-133	7346

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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER

SERGEANT, RABON A

ART UNIT	PAPER NUMBER
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1711

8

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/807,457

Applicant(s)
Buchel

Examiner
Rabon Sergeant

Art Unit
1711



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 1 6) ☐ Other:

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1. Claims 20-24 provide for the use of a preform, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claims 20-24 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

2. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of the language, “preferably”, “in particular”, “(more) particularly”, “for instance”, and “as well as”, renders the claims indefinite, because it is unclear if or to what extent the preferred language is to limit or define the less preferred language.

The use of “can be” within claims 1, 14, 19, and 20 renders the claims indefinite, because it is unclear to what extent the language denoted by “can be” is a definitive limitation.

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The use of “desired” within claims 1 and 8 renders the claims indefinite, because it is unclear how one determines what is “desired”. What patentable distinction is conveyed by the language?

It is unclear what is meant by “definitely cured” or “definite curing”. What level of cure is denoted by the language? Additionally, within claim 18, it is unclear what level of cure is denoted by “cured”. Have the double bonds been reacted?

The language, “where appropriate” and “where applicable”, renders the claims indefinite, because it cannot be determined how one determines if or when something is appropriate or applicable.

It is unclear what is meant by “nonradical-triggered polyaddition reaction”. Does this language refer to the reaction between the isocyanate groups and the hydroxyl groups?

Within claim 1, it is unclear what is meant by “having a ‘contant’ of nonextractable, reactive double bonds”.

Within claims 1 and 14, it is unclear what patentable significance is conveyed by the phrase, “on the basis of”. Furthermore, the use of “-based” within claim 19 renders the claim indefinite, because it is unclear to what extent the molded body is “based” on or derived from polyurethane.

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Within claim 1, the language, “by methods of plastics engineering known per se”, renders the claims indefinite, because it cannot be determined exactly what methods are encompassed by the language.

Within claim 1, it is unclear what limitation or distinction is conveyed by “at any time”.

Within line 2 of claim 4, it is unclear how “any” further limits or defines “mould”.

Within line 5 of claim 8, it is unclear how “any” further limits or defines “desired layer thickness”.

It is unclear what is meant by “occurs essentially without emissions”. It is unclear how “essentially” further modifies the language.

It is unclear how “trifunctional” differs from “polyfunctional”; “polyfunctional” encompasses “trifunctional”.

Within claim 6, it is unclear what is meant by “energy-rich radiation”.

Within claim 7, it is unclear how the catalyst has been “adapted”. Furthermore, the use of “-type” so extends the scope of the term that it is rendered indefinite.

Within claims 7 and 10, applicant has failed to specify a basis for the claimed weight percents.

Within claim 11, it is unclear how one determines if or when a plastic fiber is “suitable”.

Within claim 16, it is unclear what quantitative level of transparency is denoted by “crystal clear”.

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Within claim 21, the language, “the further processing and simultaneous or subsequent definite curing”, lacks clear antecedent basis. Furthermore, it is unclear what is meant by “directly at the point of use”.

Within claims 22 and 23, it is unclear how “technical formed” further defines “parts”, and it is unclear how “design and support” further defines “elements”.

Within claim 24, it is unclear what constitutes “fine art”.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 10-15, 17, and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Michl et al. ('850) or Mori et al. ('604) or EP 269071.

The references disclose the production of free radical curable polyurethanes, wherein a polyisocyanate is reacted with an active hydrogen containing unsaturated compound, such as a hydroxy acrylate, to yield a polymeric composition suitable for processing, such as molding or shaping, which contains unsaturated double bonds. After the curable composition is finally shaped, the composition is fully cured by free radical polyaddition of the unsaturated double bonds. The final cure is achieved by such means as exposing the composition to radiation. See abstract and columns 2-4 within Michl et al. See abstract and columns 4 and 5 within Mori et al.

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See entire disclosure of EP 269071.

Any inquiry concerning this communication should be directed to R. Sergent at telephone number (703) 308-2982.

R. Sergent

June 29, 2002


RABON SERGENT
PRIMARY EXAMINER